



House Elections and Ethics Committee  
October 19, 2021

Promote the Vote (“PTV”) submits the below written testimony in opposition to HB 5335, yet another voter suppression bill aimed at restricting Michiganders’ fundamental right to vote.

PTV also continues to oppose HB 5268 and SB 302. We oppose these bills for the reasons outlined in our written testimony, submitted to this body on September 21, 2021 and October 5, 2021, respectively. That testimony can be found on our website, PromoteTheVoteMI.com, under our [newsfeed](#).

**Promote the Vote Opposes HB 5335 Because It (1) Fails to Protect Voters or Election Workers from Intimidation, (2) May Create Voter Intimidation, and (3) Burdens Election Officials with Additional Unnecessary Tasks.**

HB 5335 -- like so many bills that we’ve seen come through the Michigan legislature this year -- is a voter suppression bill, pure and simple. It does absolutely nothing to make our elections more secure or accessible, may itself lead to voter intimidation, and will create unnecessary, time-consuming work for already-stretched poll workers. For these reasons, PTV opposes the bill.

As a preliminary matter, PTV believes that our election challenger system can - and should - be improved. However, HB 5335 is not an improvement. Rather, it elevates challengers above both voters and poll workers in a way that is contrary to the goal of safeguarding Michigan’s elections. At a time when intimidation of voters and election officials has skyrocketed,<sup>1</sup> the focus of any changes must be on protecting and supporting voters and election workers, not empowering challengers to disrupt the process, as so many attempted to do in November 2020.<sup>2</sup>

PTV opposes HB 5335 because it does nothing to protect voters or election officials from intimidation and interference or otherwise make our elections more secure. Current law already requires challengers to have in their possession a credential issued by the political party,

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<sup>1</sup> See, e.g., Forbes, “Voter Intimidation Ramping up as Election Day Approaches - Here Are the Claims Being Investigated,” October 21, 2020 (<https://www.forbes.com/sites/nicholasreimann/2020/10/21/voter-intimidation-ramping-up-as-election-day-approaches-here-are-the-claims-being-investigated/?sh=1ca011d42c00>).

<sup>2</sup> See, e.g., Detroit Free Press, “Ballot Processing Begins in Detroit; 2 Poll Challengers Removed,” November 2, 2020 (<https://www.freep.com/story/news/politics/elections/2020/11/02/poll-challengers-removed-detroit-ballot-processing-begins/6122976002/>).

*Promote the Vote's Written Testimony in Opposition to HB 5335*  
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organization, or group that they represent.<sup>3</sup> Therefore, if anyone -- a voter, an election inspector, or a member of the public -- ever questions a challenger's rights, the challenger would simply need to show their credential. In fact, by requiring a challenger to wear a badge, but prohibiting the badge from containing the challenger's name or political party, HB 5335 prevents a voter from knowing the critical information needed to report intimidation or harassment by the challenger. Voters have a right to know who is sending challengers into their precinct and who has sanctioned these challengers' actions.

It is important to note that at least one of the sponsors of HB 5335 has sponsored another bill -- HB 4963 -- requiring election inspectors to wear a badge that does contain their first and last names. Requiring election inspectors to identify themselves to voters, but allowing challengers to intimidate voters anonymously, elevates challengers above poll workers in a way that is contrary to the goal of safeguarding Michigan's elections.

In addition, HB 5335 may actually lead to voter intimidation. The requirement that all challengers wear a visible identification badge that includes the word "challenger" may create an intimidating environment in Michigan's polling locations. A voter -- especially a first-time voter -- could be intimidated by arriving at their polling location only to find a group of individuals wearing "challenger" badges. Indeed, current law requires challengers to have in their possession a credential issued by the political party, organization, or group that they represent,<sup>4</sup> but many local clerks discourage challengers from displaying that credential to avoid intimidating voters.

Finally, HB 5335's requirement that a poll worker enter in the poll book both the name of the challenger and the time each time a challenger enters or leaves will create unnecessary, time-consuming work for already-stretched poll workers. The law does not limit the number of political parties, organizations, or associations that may appoint challengers in any given election, and many political parties, organizations, or associations, assign challengers to monitor several precincts throughout the day. Therefore, a large number of challengers often enter and leave a polling location throughout the day. Requiring poll workers to enter each challenger's arrival and departure time is not only unnecessary, but will be very time-consuming for poll workers, who are already stretched thin.

For all of the above-stated reasons, PTV opposes HB 5335.

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<sup>3</sup> See Michigan Department of State, "The Appointment, Rights and Duties of Election Challengers and Poll Watchers," October 2020, at 5-6

([https://www.michigan.gov/documents/SOS\\_ED\\_2\\_CHALLENGERS\\_77017\\_7.pdf](https://www.michigan.gov/documents/SOS_ED_2_CHALLENGERS_77017_7.pdf)).

<sup>4</sup> See *Id.*